



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Law**

Office of the Attorney General

1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-5903

Main: 907.269.5100  
Fax: 907.269.5110

September 12, 2012

**Via Email to [Stanislaus.Mathy@epa.gov](mailto:Stanislaus.Mathy@epa.gov) & First Class Mail**

Mr. Mathy Stanislaus  
Assistant Administrator, OSWER  
Environmental Protection Agency  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 1101A  
Washington, DC 20460

Re: Red Devil Mine, Red Devil, Alaska

Dear Mr. Stanislaus:

Thank you for taking the time to meet with me on August 28, 2012. I thought it would be useful to set out our understanding of the path forward following our meeting.

While the State was requesting that Red Devil Mine be included in the September listing package, you indicated that we had missed the September listing cycle, and that the next listing cycle occurs in April 2013. I understand, though, that EPA can do a special listing for a single site and we would like to keep that option on the table. In the interim, you wanted EPA, BLM and the State to discuss a Superfund Alternative Agreement ("Agreement") as a possible option to listing. Following timely consultations on your end, you agreed to distribute a Red Devil Mine site-specific draft Agreement so that all parties could review it and consider its provisions.

We agreed to explore this option as long as the Agreement included a few critical elements, such as established timelines, stipulated penalties, dispute resolution and community involvement. As you know, we expressed caution about going down that path again because similar discussions occurred two years ago and resulted in BLM walking away from the table rather than accepting the critical elements outlined above — which we contend are essential if an adequate and informed clean-up is going to occur. The prior discussions consumed many months. To alleviate our concern, you agreed to give us a midway deadline whereby we would measure whether meaningful progress had been made toward an acceptable Agreement. As we discussed, the State believes it is imperative that it have a seat at the table, both in discussions concerning the terms of the Agreement, and as a signatory to the Agreement itself.

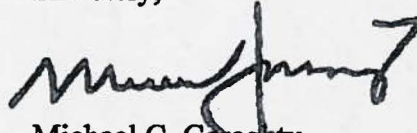
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If, after a determination that meaningful progress toward an Agreement had not been made, it was our understanding that you would update the listing package for the site and submit it for the April listing cycle, if not sooner.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael C. Geraghty", with a stylized flourish at the end.

Michael C. Geraghty  
Attorney General

cc: Via Email & First Class Mail:  
Sean Parnell, Governor, State of Alaska  
[margaret.buck@alaska.gov](mailto:margaret.buck@alaska.gov)  
Lisa Jackson, Administrator, EPA  
[Jackson.Lisap@epa.gov](mailto:Jackson.Lisap@epa.gov)  
Dennis McLerran, Regional Administrator, USEPA Region 10  
[McLerran.Dennis@epamail.epa.gov](mailto:McLerran.Dennis@epamail.epa.gov)  
Larry Hartig, Commissioner, State of Alaska, Dept. of Environmental Conservation  
[larry.hartig@alaska.gov](mailto:larry.hartig@alaska.gov)